

THE HONORABLE TANA LIN

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JAVIER TAPIA,

Plaintiff,

v.

NAPHCARE, INC. AND PIERCE COUNTY,

Defendants.

NO. 2:22-cv-01141-TL

**STIPULATED MOTION TO STAY
DISCOVERY PENDING RULINGS
ON DEFENDANTS' 12(b)(6)
MOTIONS TO DISMISS AND
ORDER**

NOTED FOR CONSIDERATION:
FEBRUARY 8, 2023

I. STIPULATION

No scheduling order has yet been issued in this case. Nonetheless, out of an abundance of caution, and pursuant to this Court's broad discretion over discovery matters, Plaintiff Javier Tapia, Defendant NaphCare, Inc., and Defendant Pierce County ("Parties"), respectfully and jointly move the Court for entry of an order staying discovery until the Court issues its rulings on Defendants' pending CR 12(b)(6) motions to dismiss. *See Dorian v. Amazon Web Services, Inc.*, No. 2:22-cv-00269, 2022 WL 3155369, *1 (W.D. Wash. Aug. 8, 2022) ("District courts have broad discretion to stay discovery pending the resolution of potentially dispositive motions."); *Taylor v. McDonough*, No. 20-5471 RJB, 2021 WL 9649333 (W.D. Wash. May 17, 2021) (same).

The Parties filed their Combined Joint Status Report and Discovery Plan ("JSR") on October 13, 2022. (Dkt. No. 16). Paragraph 5(B) of the JSR states:

The Parties agree to a 60 day stay of additional discovery pending a ruling on Defendants' forthcoming motions to dismiss. . . . If no ruling occurs within 60 days of the noting date of the anticipated motions to dismiss, the Parties will meet and confer to determine whether an additional stay is necessary.

Id. Defendant NaphCare, Inc. filed its motion to dismiss on October 20, 2022, with a noting date of November 11, 2022. (Dkt. No. 19). Defendant Pierce County filed its motion to dismiss on October 21, 2022, with a noting date of December 2, 2022. (Dkt. No. 21). The court has not issued a ruling on either motion and sixty days have lapsed since the latest noting date. Accordingly, and pursuant to the agreement set forth in the JSR, all Parties met and conferred via email to discuss whether an additional stay of discovery is warranted. This stipulation follows.

Counsel for the Parties have been working cooperatively, have conferred, and agree that good cause exists to stay discovery further. The Parties wish to ensure there is ample time to complete needed discovery without having to come to this Court multiple times seeking a continuance. To save the Court's and the Parties' resources during the pendency of the motions, the Parties stipulate that discovery should be stayed and the schedule set after the Court issues its ruling on the pending dispositive motions.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

DATED: February 8, 2023

I certify that this memorandum contains 382 words, in compliance with the Local Civil Rules.

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II. ORDER

This matter came before the Court upon stipulation of the Parties above. Having read and considered all related materials, and being fully informed, the Court hereby ORDERS that:

1. All discovery deadlines in this case shall be STAYED until the Court issues a decision on the pending motions to dismiss filed by Defendant NaphCare, Inc., (Dkt. No. 19), and Defendant Pierce County, (Dkt. No. 21).
2. The Parties are further ordered to meet and confer to file an updated Joint Status Report **within seven (7) days** of the Court's ruling on the aforementioned motions to dismiss.

Dated this 9th day of February 2023.



Tana Lin
United States District Judge